S.B.Cr.Misc. Bail App. No.5051/2007
(Madan Lal vs. State of Rajasthan)

Date of order : October 09, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.P.R.Choudhary, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.
Mr.P.N.Mohanani, for the complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State assisted by counsel for the complainant. Perused the order impugned.

It is contended by learned counsel for the petitioner that the injury assigned to the petitioner is by teeth bite and such injury cannot be said to be the injury by deadly weapon.

In Shakeel Ahmed vs. State, Delhi, **(2004) 10 SCC 103,** the Hon'ble Supreme Court has held that teeth of a human being cannot be considered as deadly weapon as per the description of deadly weapon enumerated under Section 326 IPC. Hence, the offence cannot escalate to Section 326 I.P.C. It can best remain only at Section 325 I.P.C.

Having regard to the facts and circumstances of the case and the fact that the injury caused by teeth bite to the part of

nose has been alleged against the petitioner, and keeping in view the decision of Hon'ble Supreme Court in Shakeel Ahmed vs. State, Delhi (supra), I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Madan Lal s/o Noja Ram be released on bail in CR. No.432/2007, P.S. Bilara provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-